THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.33449 of 1997

Dated:12.09.2007

Between

The Management of Hotel Krishna
Restaurant Boarding & Lodging
Lakdikapool, Hyderabad rep., by its
Partner B.Venkata Krishna

..Petitioner

and

1. The Authority under the Payment
Of Wages & Assistant Commissioner
Of Labour Hyderabad-III, T.Anjaiah
Karmika Samekeshama Bhavan, RTC
X Roads, Hyderabad and another.

…Respondents

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W.P.No.33449 of 1997

ORDER:

This writ petition has been filed seeking a Certiorari to call for the records relating to the order dated 4.6.1997 made in I.A.No.3/96 in PW Case No.9 of 1992 and consequential order dated 15th July, 1996 and to quash the same as arbitrary and illegal.

It appears that 2nd respondent-Union had filed PW Case No.9 of 1992 (it appears that it was wrongly shown as PW Case No.3/92) seeking difference of wages for certain period. A counter has been filed by the petitioner herein in the said case denying the allegations made by the Union. After hearing both the parties, an order was passed on 15.7.1996 directing the petitioner to pay an amount of Rs. 74,172/- which was deducted illegally from the salaries of members of the Union. Thereafter, it appears, the petitioner filed the present I.A.No.3/96 seeking to set aside

the order passed on 15.7.1996 and the same was heard by the Authority under the Payment of wages Act

1936-cum-Assistant Commissioner of Labour, Hyderabad-III and the same was dismissed as no grounds were made out. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner raised several grounds including lack of jurisdiction. But, there is no challenge made to the order passed in PW Case No. 9 of 1992.

I have perused the affidavit filed in support of the I.A and other material made available on record. I am of the opinion that though the Authority has passed a cryptic order on 4.6.97, no ground has been made out for setting aside the order passed on 15.7.1996 in PW Case No.9 of 1992. It is not a case where an *ex parte* order was passed. The petitioner herein as respondent in PW Case No.9 of 1992 filed counter and participated in the proceedings. Therefore, the Authority has rightly dismissed the IA.

I see no ground to interfere into such an order

passed by the Authority. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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12-09-2007

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